

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**PLAINTIFF PFIZER INC'S CONTINGENT MOTION TO ENJOIN THE TEVA
DEFENDANTS FROM PROCEEDING WITH THEIR LATER-FILED SUIT IN
THE SOUTHERN DISTRICT OF NEW YORK**

Plaintiff Pfizer Inc (“Pfizer”) hereby moves to enjoin defendants, Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd. (respectively “Teva USA” and “Teva Ltd.”; collectively “Teva”) from proceeding in their second-filed action in the Southern District of New York, *Teva Pharmaceuticals USA, Inc. et al. v. Pfizer Inc*, 06cv1134 (LAP). This motion is contingent upon the Court’s denial of Teva’s motion to transfer the instant case to the Southern District of New York, (D.I. 8), so that Teva will be prevented from proceeding in both the New York and Delaware cases. The grounds of this motion are fully set forth in Defendant’s concurrently-filed supporting brief and further supported by the contemporaneously-filed declarations of Brendan G. Woodard, Esq. and Daniel C. Mulveny, Esq.

Pursuant to Local Rule 7.1.1, the undersigned counsel conferred with defendants' counsel regarding this Motion. Defendants' counsel has indicated that defendants will oppose this Motion.

CONNOLLY BOVE LODGE & HUTZ LLP

/s/ Rudolf E. Hutz
Rudolf E. Hutz (#484)
Daniel C. Mulveny (#3984)
1007 N. Orange Street
P. O. Box 2207
Wilmington, DE 19899-2207
(302) 658-9141
Attorneys for Pfizer Inc

Dated: March 9, 2006

451235_1.DOC

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PFIZER INC)
v.)
Plaintiff,)
v.)
TEVA PHARMACEUTICALS USA and)
TEVA PHARMACEUTICAL)
INDUSTRIES LTD.)
Defendants.)
Civil Action No. 06-89-GMS

**ORDER GRANTING PLAINTIFF PFIZER INC'S CONTINGENT MOTION TO
ENJOIN THE TEVA DEFENDANTS FROM PROCEEDING WITH THEIR
LATER-FILED SUIT IN THE SOUTHERN DISTRICT OF NEW YORK**

AND NOW on this _____ day of _____, 2006, upon
consideration of Plaintiffs' contingent motion to enjoin the Teva defendants from
proceeding with their later-filed suit in the Southern District of New York, the supporting
brief and declarations, and any and all responses thereto, it is hereby
ORDERED that Plaintiffs' motion is GRANTED.

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2006, I electronically filed **PLAINTIFF PFIZER INC'S CONTINGENT MOTION TO ENJOIN THE TEVA DEFENDANTS FROM PROCEEDING WITH THEIR LATER-FILED SUIT IN THE SOUTHERN DISTRICT OF NEW YORK** with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

Mary B. Matterer
Morris James Hitchens & Williams LLP
222 Delaware Avenue, 10th Floor
P.O. Box 2306
Wilmington, DE 19899-2306

I hereby certify that on March 9, 2006, I have mailed by First Class Mail, the document(s) to the following non-registered participants:

Steven Lee
Elizabeth J. Holland
Sheila Mortazavi
Cynthia Lambert Hardman
Kenyon & Kenyon LLP
One Broadway
New York, NY 10004

/s/ Rudolf E. Hutz
Rudolf E. Hutz (#484)
Daniel C. Mulveny (#3984)
1007 N. Orange Street
P. O. Box 2207
Wilmington, DE 19899-2207
(302) 658-9141
Attorneys for Pfizer Inc